IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.714 OF 2004

Vishwasrao Naik Sahakari Sakhar
Karkhana Ltd. ..Appellant.

V/s.

Deputy Commissioner of Income Tax ..Respondent.

Mr.P.G.Chavan with S.S.Patwardhan for appellant.
Mr.Prashant Uchil for respondent.

CORAM : Dr.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATED : 22ND FEBRUARY, 2006.

P.C. :-

1. Heard the learned counsel for the appellant and the respondents. The learned counsel for the appellant brought to our notice that the Hon'ble Supreme Court in the case of **Siddheshwar Sahakari Sakhar Karkhana Ltd. V/s. Commissioner of Income Tax, Kolhapur & Ors.** reported in **270 I.T.R.1** has partially overruled the Judgment and order of our High Court in (2000) 245 I.T.R. 498. Having regard to the aforesaid facts and circumstances, we allow the appeal and set aside the order passed by the I.T.A.T., Pune dated 12/10/2003 and remand back the same to I.T.A.T. to decide the appeal afresh in the light of the Judgment of the Hon'ble Supreme Court in **Siddheshwar Sahakari Sakhar Karhana Ltd.** (supra).

2. Hence appeal stands disposed off in the above terms with no order as to costs.

(Dr.S.RADHAKRISHNAN,J.)

(J. P. DEVADHAR, J.)